

EXHIBIT 76

Implicit Bias Training Hosted by
the New Hampshire Attorney
General's Office on November 20,
2020

New Hampshire

Department of Justice

Office of the Attorney General

2020 Implicit Bias Training Hosted by the New Hampshire Attorney General's Office

November 20, 2020 9 a.m. – 12:30 p.m.

Required for all attorneys, investigators, legal staff and victim/witness advocates in the Attorney General's Office, all County Attorney Offices, all state agency attorneys, and all prosecutors, including police prosecutors.

Presenters:

Jarvis Parsons - District Attorney of Brazos County Texas

- [Bias: What You Don't Know Can Hurt Others](#) 

Currently serving his second term, District Attorney Parsons was an assistant D.A. for 10 years prior. A Louisiana native, Parsons graduated from McNeese State University in 1998 and graduated from the University Of Maine School Of Law in 2001. He was a judicial law clerk for a year in Warren County, New Jersey before becoming a Brazos County prosecutor in 2002, prosecuting everything from state jail felonies up to death penalty cases and everything in between.

Parsons is currently the chairman of the board for the Texas District and County Attorneys Association and has served on its Legislative Committee, Training Committee, and is one of the founding members of the Diversity Recruitment and Retention Committee.

He is on the Board of the TEEX Central Texas Police Academy, which guides the Police Academy leadership on needs specific to training and courses and establishes standards and methods to evaluate the effectiveness of training, equipment and facilities at the training academy.

James McKim, PMP, ITIL - President of the Manchester NAACP

- [Presentation: Are You Your Implicit Bias?](#) 

Mr. McKim is Founder and Managing Partner of Organizational Ignition, a management consulting firm. Prior to his current role, Mr. McKim was Chief of Staff of the Technical Training Division at Hewlett Packard Enterprise where he led the organization to deliver award-winning performance enhancement solutions. He has, also, held business and technology leadership roles in for-profit and non-profit organizations such as FIRST, Hawkeye Data, LLC, and Digital Equipment Corp.

Mr. McKim has facilitated startup and growth of statewide organizations such as the Economic Vitality New Hampshire and the Software Association of New Hampshire. He has played an active role in the shaping of public policy affecting the Technology industry. He serves, currently on several Boards playing leading roles as Vice-President of Membership at the Project Management Institute NH Chapter, Chair of the NH PBS Finance Committee, Chair of the Episcopal Church's National Executive Council Committee Anti-Racism, and President of the Manchester NAACP.

Links:

- [Register for Implicit Bias Training](https://nhgov.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=nhgov&service=6&rnd=0.13424712364303681&main_url=https%3A%2F%2Fnhgov.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3FtheAction%3Ddetail%26%26%26EMK%3D4832534b00000004dacaad18d1077ec99dbcbbc64d287582dc9277bc4b1ed0dcae760fbaffe5513f%26siteurl%3Dnhgov%26confViewID%3D175086893217620704%26encryptTicket%3DSDJTSwAAAARZS9f3rBoMFJ_v1B4et_2m4n2dUMIng2m3ILOSmjTHFA2%26) [https://nhgov.webex.com/mw3300/mywebex/default.do?nomenu=true&siteurl=nhgov&service=6&rnd=0.13424712364303681&main_url=https%3A%2F%2Fnhgov.webex.com%2Fec3300%2Feventcenter%2Fevent%2FeventAction.do%3FtheAction%3Ddetail%26%26%26EMK%3D4832534b00000004dacaad18d1077ec99dbcbbc64d287582dc9277bc4b1ed0dcae760fbaffe5513f%26siteurl%3Dnhgov%26confViewID%3D175086893217620704%26encryptTicket%3DSDJTSwAAAARZS9f3rBoMFJ_v1B4et_2m4n2dUMIng2m3ILOSmjTHFA2%26]
- [Certificate of Attendance](#) 
- [Implicit Bias Training Itinerary](#) 
- [Implicit Bias Training Video](#)



Portable Document Format (.pdf). Visit nh.gov for a list of [free .pdf readers](#) for a variety of operating systems.

New Hampshire Department of Justice
33 Capitol Street | Concord, NH | 03301
Telephone: 603-271-3658

NEW HAMPSHIRE ATTORNEY GENERAL'S OFFICE IMPLICIT BIAS TRAINING

November 20, 2020

AGENDA

9:00 a.m. – Welcome and Introduction

Attorney General Gordon J. MacDonald

Senior Assistant Attorney General David Rotman

9:10 a.m. – Presentation*

Jarvis Parsons, District Attorney of Brazos County Texas

10:50 a.m. – Presentation*

James McKim, PMP, ITIL, President of the Manchester NAACP

12:25 p.m. – Concluding Remarks

Attorney General Gordon J. MacDonald

**There will be a five minute break during each presentation.*

BIAS: WHAT YOU DON'T KNOW CAN HURT OTHERS

**Jarvis Parsons,
Brazos County District Attorney**

How I Became a Prosecutor



#SQUAD GOALS

- To be intelligent as we can is a moral obligation—that if we haven't exhausted every opportunity to know whether what we are doing is right, it will be no excuse for us to say that we meant well.
 - John Erskine (1915)



POWER

Prosecutorial Power

- Charging Decision
- Bond
- Jury Selection
- Plea Offer
- Closing Argument

Cognitive Bias Defined

- A **cognitive bias** is a type of error in thinking that occurs when people are processing and interpreting information in the world around them.
- Cognitive biases are often a result of your brain's attempt to **simplify** information.

Conscious Brain

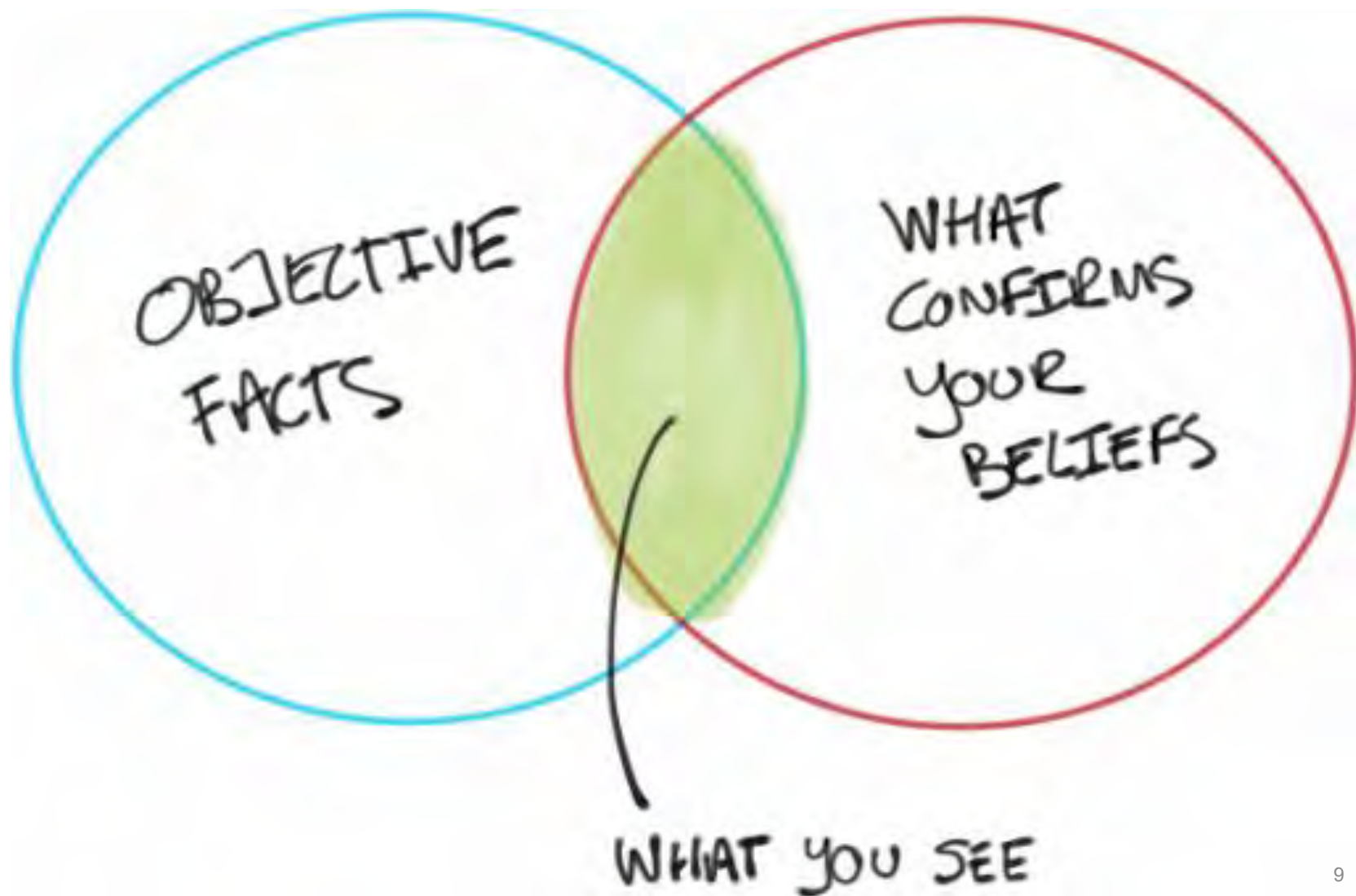
Unconscious Brain

Faster than conscious brain function
Often overrides conscious brain function

Confirmation Bias

- **The tendency to search for, interpret, focus on, and remember information in a way that confirms ones preconceptions/beliefs. ****
- **Also called the “Prosecutor’s Bias”.**
- **What you believe, you see.**

Confirmation Bias



Case 1:21-cv-01077-PB Document 85-77 Filed 08/14/23 Page 14 of 109

CONFIRMATION BIAS: REAL WORLD EXAMPLE

**WHEN YOU FIND OUT THAT
YOUR WORST-BEHAVED STUDENT...**

HAS 3 YOUNGER SIBLINGS

TUNNEL VISION



What You See Is All There Is



% Of DV Victims Who Recant?

We presume they will recant...so we look to:

 911 call, EMS record, Medical Records

 Social Media, text messages, jail calls

 Determine Primary Aggressor On Scene

 Meet w/victim early in process, neighbors, family, friends, etc...

 Look for prior victims

Just World Theory



**YOU
DESERVE IT**

Just World Theory

People have an automatic tendency to look for something or someone to blame for unfortunate events. But rather than simply attributing a bad turn of events to bad luck, people tend to look at the individual's behavior as a source of blame.

- What was she wearing?
- Why did she let him walk her home?
- How much she had to drink?

Just World Theory

WHAT IF I TOLD YOU

**THE POLICE WON'T BOTHER YOU IF YOU
DON'T BREAK THE LAW**

Just World Theory



Defensive Attribution



Defensive Attribution

- The similarity of the witness to the person(s) involved in the misfortune – in terms of situation, age, gender, personality, etc. – changes the amount of blame one is ready to ascribe.
- This is related to the empathy response, which is more likely to be activated if the witness sees similarities between themselves and the person(s) involved.

Defensive Attribution





Michael Morton Act



Implicit Bias: How We See People



Implicit Bias

We all have differences. We see age, gender and skin color. That's not bias.



“Halo Effect”

- Research has shown that we automatically assign to good-looking individuals favorable traits such as talent, kindness, honesty, and intelligence –*Thorndike 1920*



“Halo Effect”

- Physically attractive individuals are more likely to be...
 - Hired and less likely to be fired
 - More likely to get a call back for interviews
 - Higher wage earners (10-15%)
 - Less likely to get in trouble when they are children

Sexual Harassment Study



GENDER



Gender Bias: Police Chief Edition

Michael vs. Michelle

- Michael—streetwise, worked tough neighborhoods, got along with fellow officers. Poorly educated and lacked administrative skills.
- Michelle—smart, well schooled and experienced in administration, family oriented, little street experience and didn't get along with officers.

Gender Bias: Who Do You Hire?



Gender Bias: Who Do You Hire?

When the male applicant had
experience and no education,
participants chose...

The Man

When the male applicant had no
experience and was educated,
participants chose...

The Man

Gender Bias: Women's Studies Professor



Implicit Racial Bias

- **Researched for over two decades.**
- **A majority of Americans harbor negative implicit attitudes toward African-Americans**

Implicit Racial Bias

- **Influenced by attitudes and stereotypes that we all hold based on our experiences.**
- **Guides how we act in a subconscious way, even if we renounce prejudice and stereotypes explicitly.**





Microaggression

Prejudices that leak out in many interpersonal situations. A.K.A. Sights, insults, indignities and denigrating messages.

Microaggression Examples

- Can I touch your hair?
- You don't sound black.
- You look too white to be Hispanic/Arab/etc...
- When I look at you, I don't see color.

Robbery In Black and White

- University of Hawaii Study, 66 participants
 - Japanese American, White, Chinese, Native Hawaiian, Pacific Islander, Korean American and Latino

Robbery In Black and White



Ambiguous Crime Details

- Prior drug addict, served with eviction notice
- Left handed
- Golden Gloves boxing champ in 2006
- NO License
- Owner Identifies defendant's voice
- Defendant had movie ticket stub for show that started 20 minutes before robbery

Robbery In Black and White: Results

How Guilty Is The Defendant?

Scale (0-100)

- Darker Skin Tone 66.97

- Lighter Skin Tone 56.37

What About Victims?



U. Nebraska at Lincoln:

Harrison and Esqueda (2000)

- Police respond to anonymous phone call reporting a domestic dispute.
- Jeff Davis is a Black (White) male,
- Cindy Davis is a Black (White) female,
- Drinking and Non-drinking scenarios.

Same Facts? Different Race? Different Results

- AA women who drank were perceived as more blameworthy than AA women who did not.
- No distinction between drinking and non-drinking white females.
- AA women received more blame in DV situations for the same amount of drinking as white women.

Not Just Black Women...

- Black boys as young as 10 are seen as **more responsible** for their actions compared to their white counterparts.
 - Viewed as **older** (up to 4½ years) and less innocent.
 - *The Essence of Innocence: Consequences of Dehumanizing Black Children (Goff, 2014).*
- Black Girls are viewed as **less innocent** and need **less nurturing** than their white counterparts.
 - *Girl Interrupted: The Erasure of Black Girls Childhood (Epstein, Blake & Gonzalez, 2017)*

But I'm Educated...



Written in Black and White

Memo drafted by a hypothetical law student given to 60 partners in 22 law firms.

- 37 men, 23 women, 39 white,
- 21 racial/ethnic minorities
- Memo had 22 writing and analytical errors.
- Same memo. Only difference was race of the “writer”.

Results

- **White “Thomas Meyer” averaged 4.1/5.0.**
- **Black “Thomas Meyer” averaged 3.1/5.0 scale, for the same memo.**

Quantitative Results: Errors Spotted by Lawyers

**White Thomas Meyer:
10.2 errors found avg.**

**Black Thomas Meyer:
14.6 errors found avg.**

Qualitative Results: Opinion of the Students

White Thomas Meyer:

“good writer but needs to work on”, “has potential”, “good analytical skills”.

Black Thomas Meyer:

“Needs lots of work”, “can’t believe he went to NYU”, “average at best”.

Greg vs. Jamal

- Study of 1300 ads and over 5,000 resumes.
- White-sounding names like Emily or Greg get 50% more call backs for job interviews with the exact same resume.
- “A white-sounding name yields as many more callbacks as black sounding name with eight years of experience”.
 - *Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment in Market Discrimination. (Bertrand and Mullainathan, 2003)*

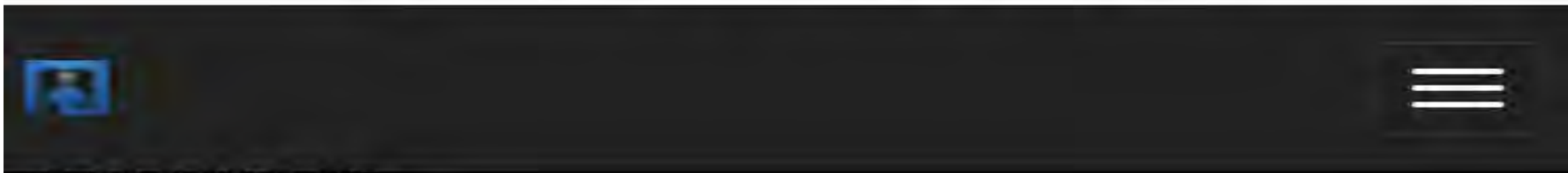
The Implicit Association Test (IAT)

- Designed to measure implicit bias
- <https://implicit.harvard.edu/implicit/takeatest.html>
- Flowers vs. Insects

My Story

- **Took the Implicit Association Test...**

implicit.harvard.edu



Your result:

Your data suggest a slight automatic preference for White people over Black people.

The sorting test you just took is called the Implicit Association Test (IAT). Half of you completed the task for African Americans and European Americans, whereas the other half completed the task for Black People and White people. You categorized good and bad words with images of African Americans (or Black People) and European Americans (or White People).

My Story

- **About 50% of African-Americans show a preference toward whites.**
 - ***Nosek, Banaji, & Greenwald, 2002.***



Attacking Implicit Bias

- **Understand and acknowledge cognitive bias**
- **Start With Yourself And Just Begin**
- **Evidence/words that hits on a stereotype (misdemeanor murder).**

Blinding



Other Disciplines Use Blinding

- Scholarly Journal editors routinely remove author names and institutions.
- Professors mask student names when grading
- Lineups (Double Blind Lineups)
- Federal Death Penalty Decisions

Empirical Example



Orchestra Blinding Results

- Using a Screen to conceal candidates from the raters increased the likelihood that a female would advance to the next round by
- 11%
- During the final round “blind” auditions increased the likelihood of female musicians being selected by
- 30%.

Outsmarting The Bias



Collaboration



Outsmarting The Bias: Group Decision Making

- **200 participants**
- **83% white, 17% Black**
- **Ages 18-78**
- **Created 29 juries of 6 people per jury (some alternates).**

Outsmarting The Bias: Group Decision Making

- **Viewed a video of a 30-minute Court TV summary of Black Male Defendant and White Female Victim.**
- **Heard testimony of 10 Witnesses (7 state & 3 defense)**

Outsmarting The Bias: Group Decision Making

Recorded jury deliberations

- **Looking for breadth of discussion**
- **Accuracy of statements**
- **Corrected Inaccuracies**

Outsmarting The Bias: Group Decision Making

Diverse Juries

- Discussed more facts
- Made more accurate statements of facts
- Corrected more inaccurate statements

IMPLICATIONS

**The more you bring in
different perspectives, the
better your outcome will
be.**

Any Questions?

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979-361-4320

Are You Your Implicit Bias?



James McKim

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Introduction



What is the underlying issue in the photos?

Objectives & Agenda

Objectives

- Understand the depth of the problem with implicit bias
- Understand the 9 de-biasing techniques
- Understand how implicit bias & discrimination can be eliminated

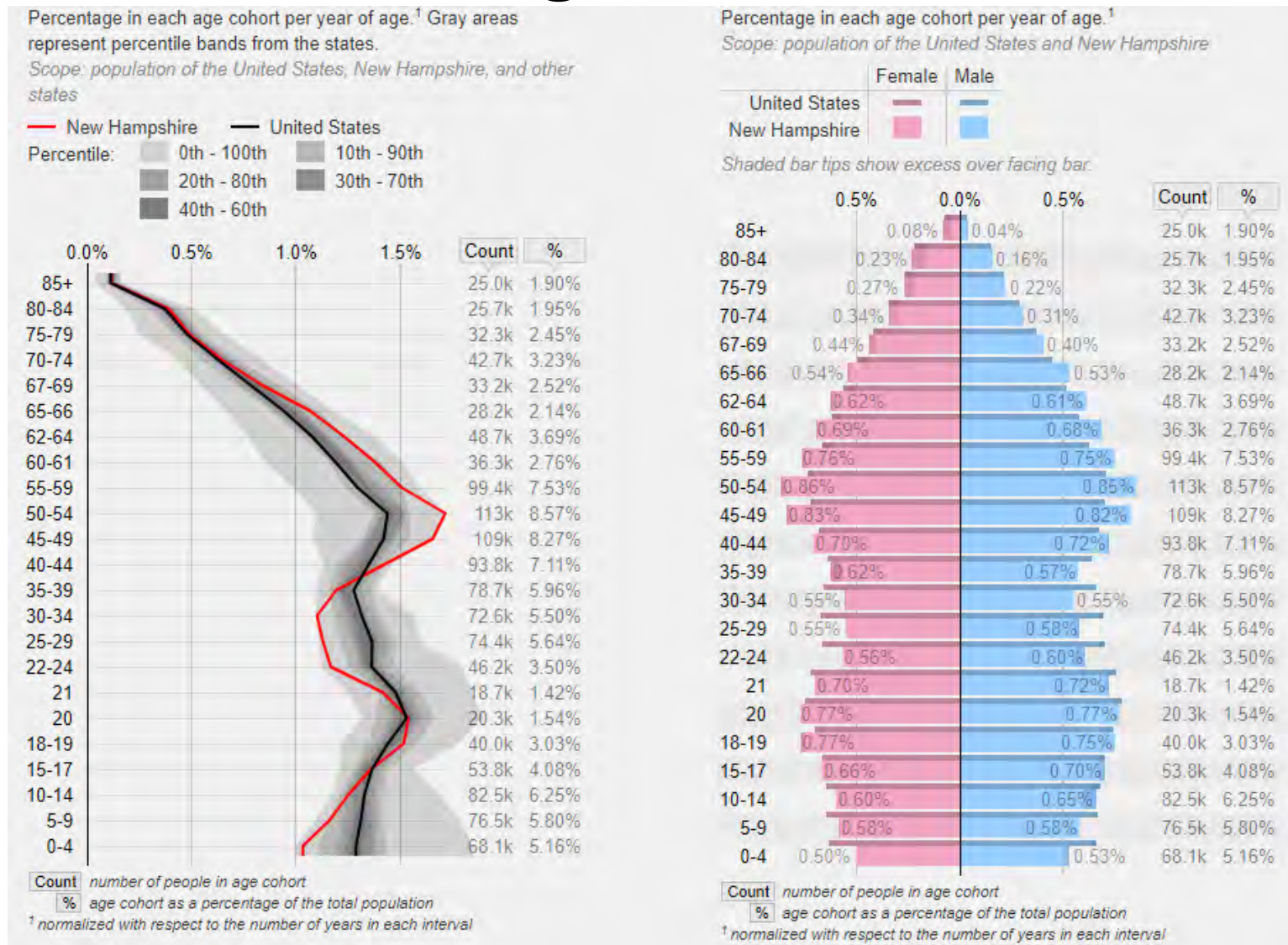
Non-Objective

- Make you an expert on Implicit Bias
- De-bias you

Agenda

- Demographics
- 6 Key Concepts
- Manifestations of Implicit Bias – including in your own
- Forms/Types of Implicit Bias
- Eliminating Bias & Discrimination
- Wrap-up
- Homework

Current NH Demographics By Age/Gender



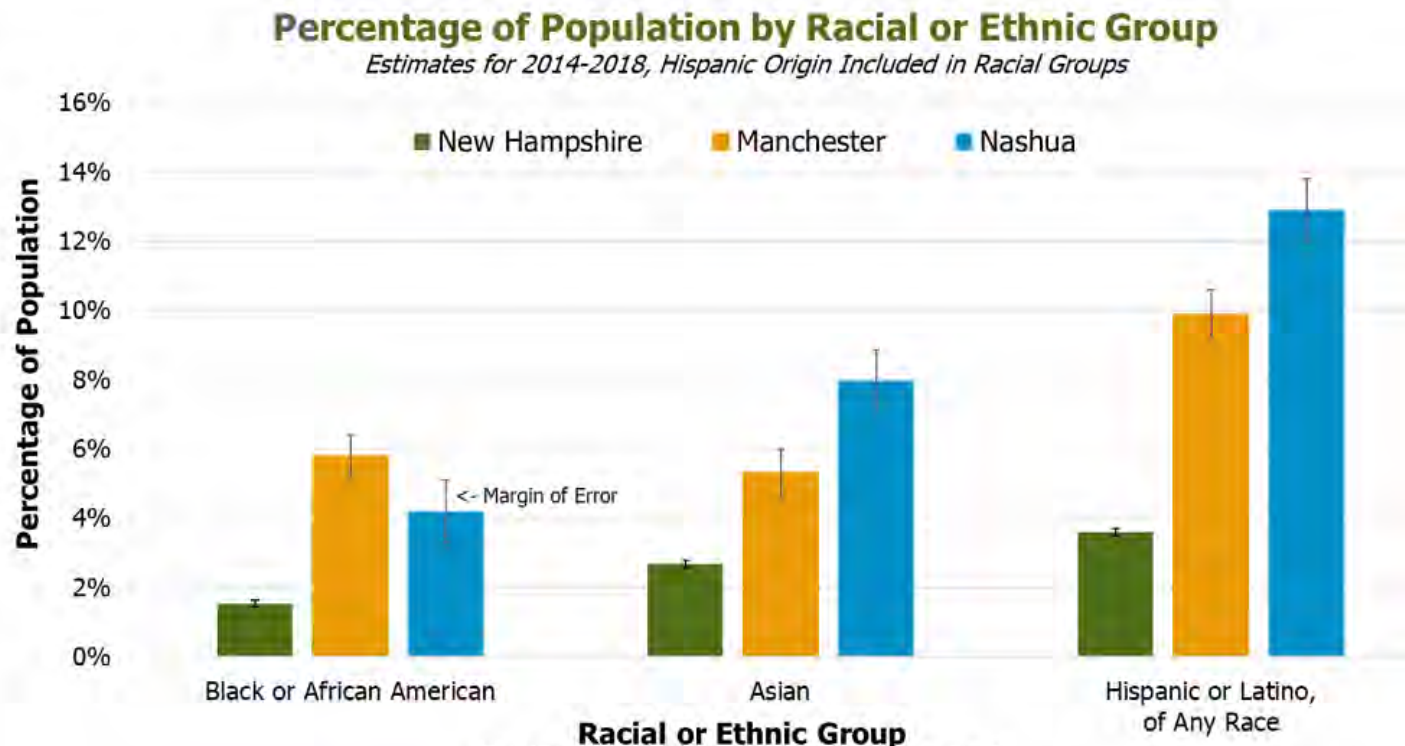
Current NH Demographics By

Race and Ethnicity

#1

Percentage of the total population.

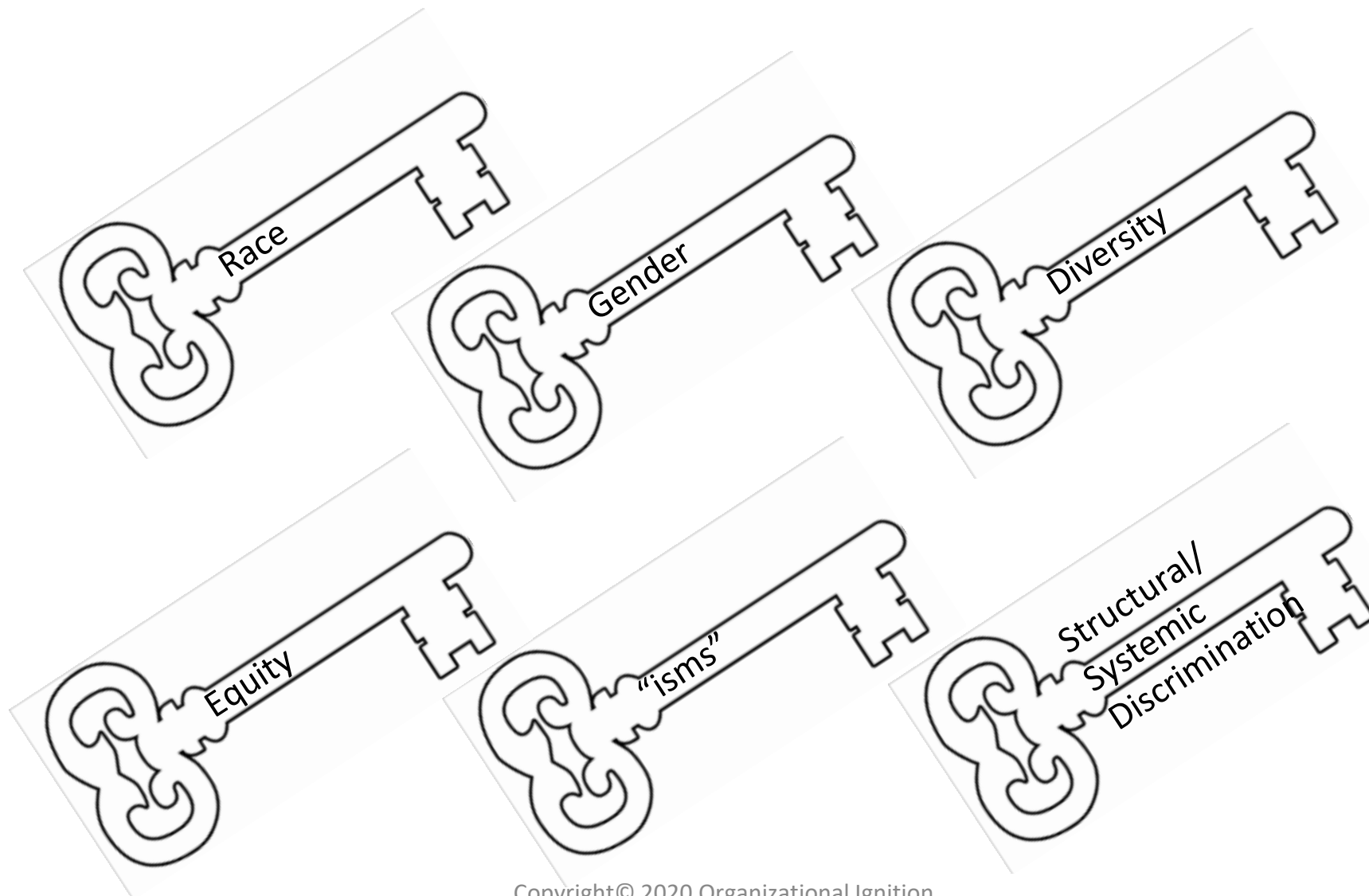
Scope: population of the United States and New Hampshire



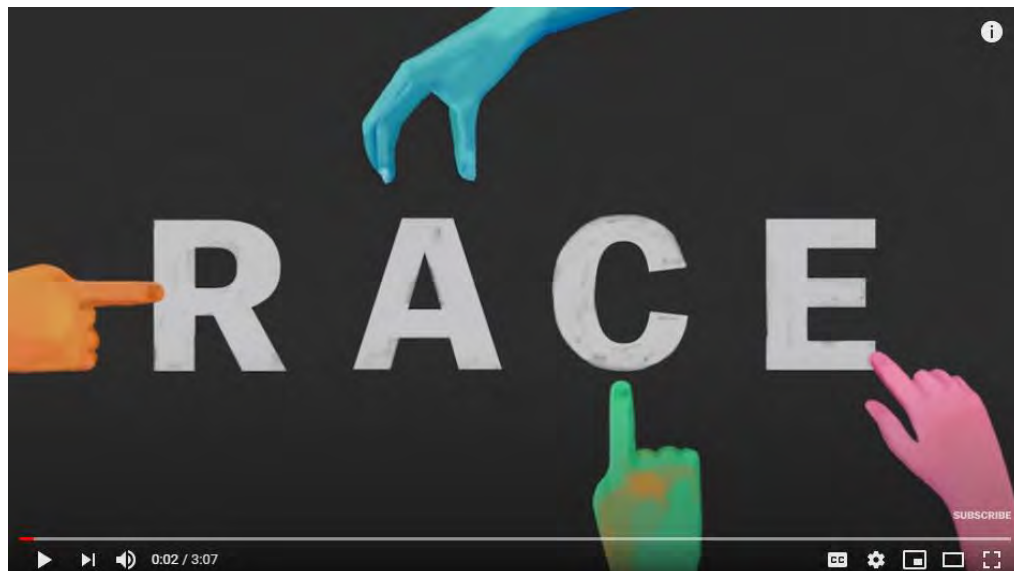
New Hampshire Fiscal Policy Institute

11

6 Key Concepts



What is Race?



- Q: What word or phrase comes to mind after viewing this video?

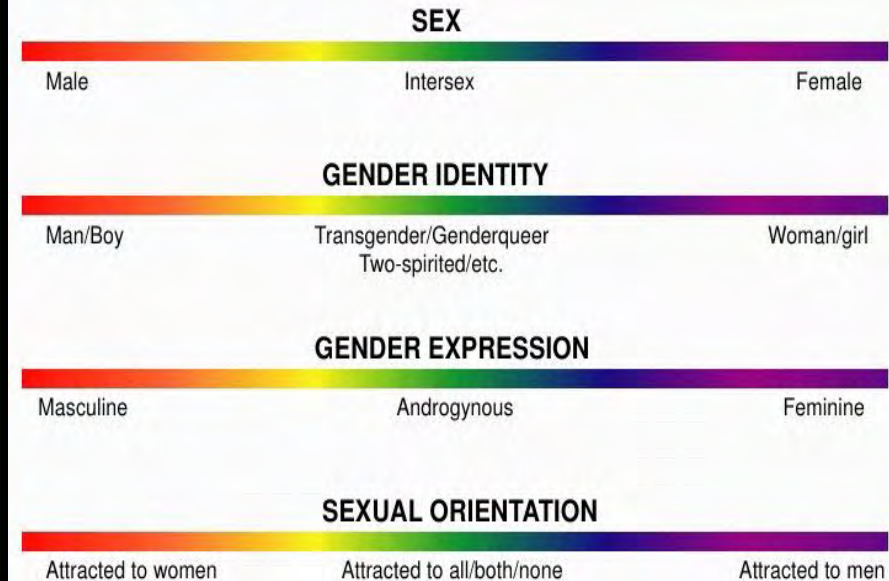
VOX – “The myth of race, debunked in 3 minutes
<https://www.youtube.com/watch?v=VnfKgffCZ7U>

Gender

Stereotypes

Male		Female
Dominant	↔	Submissive
Independent	↔	Dependent
Intelligent	↔	Unintelligent
Rational	↔	Emotional
Assertive	↔	Receptive
Analytical	↔	Intuitive
Strong	↔	Weak
Brave	↔	Timid
Ambitious	↔	Content
Active	↔	Passive
Competitive	↔	Cooperative
Insensitive	↔	Sensitive

Continuum



Diversity



Diversity is counting, and *inclusion* is cultivating... Diversity is being invited to the party, but inclusion is being asked to dance.”

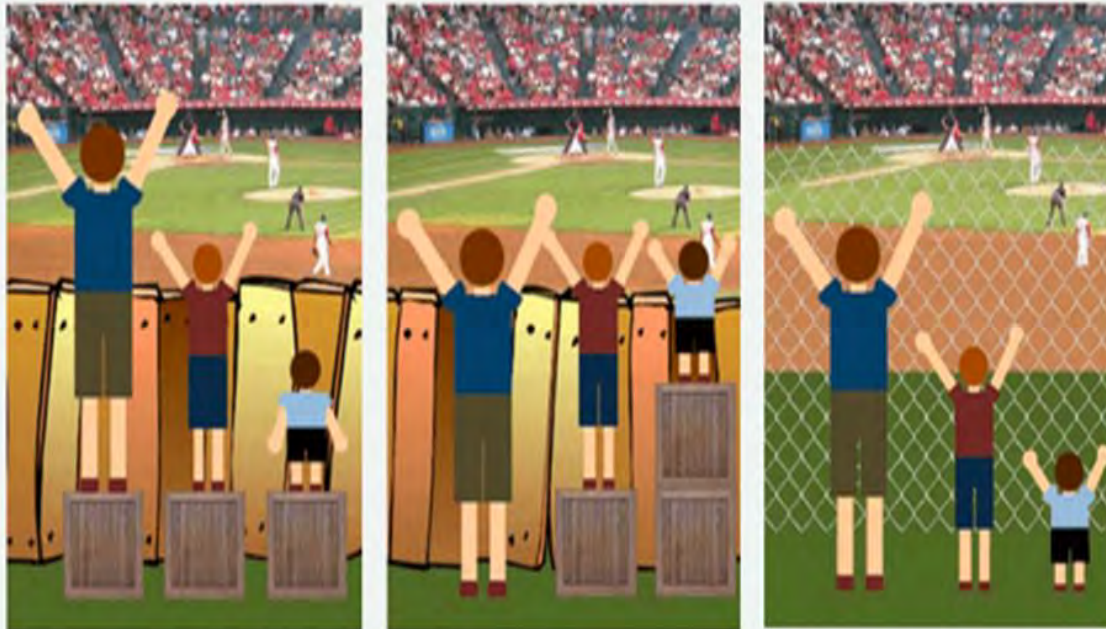
VOL. 37, NO. 4

ABA Bar Leader

“Beyond diversity: The bar leader’s role in fostering inclusion”

Equality Vs. Equity

EQUALITY VERSUS EQUITY



“isms”

Imagine...



**Descriptive
Isms**

Using our power to reinforce our discrimination and prejudice in the institutions and groups to which we belong

**Structural/
Systemic
Discrimination**

**White
Privilege**

Discrimination

taking an action on our prejudice

Prejudice

a value judgment based on our feelings associated with the stereotype

Stereotype

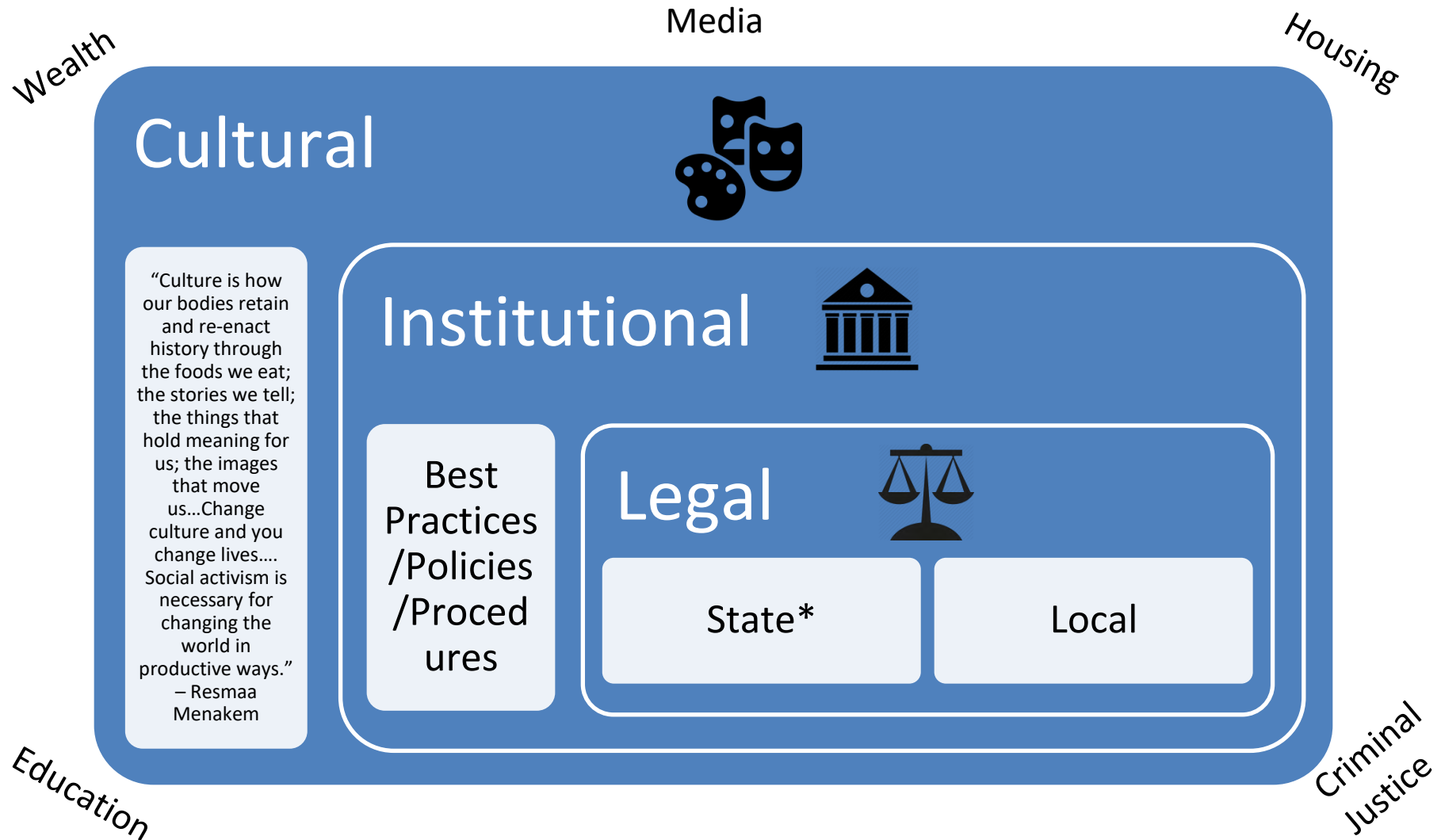
an incomplete or distorted picture in our head

Generalization: The process of formulating general concepts by abstracting common properties of instances



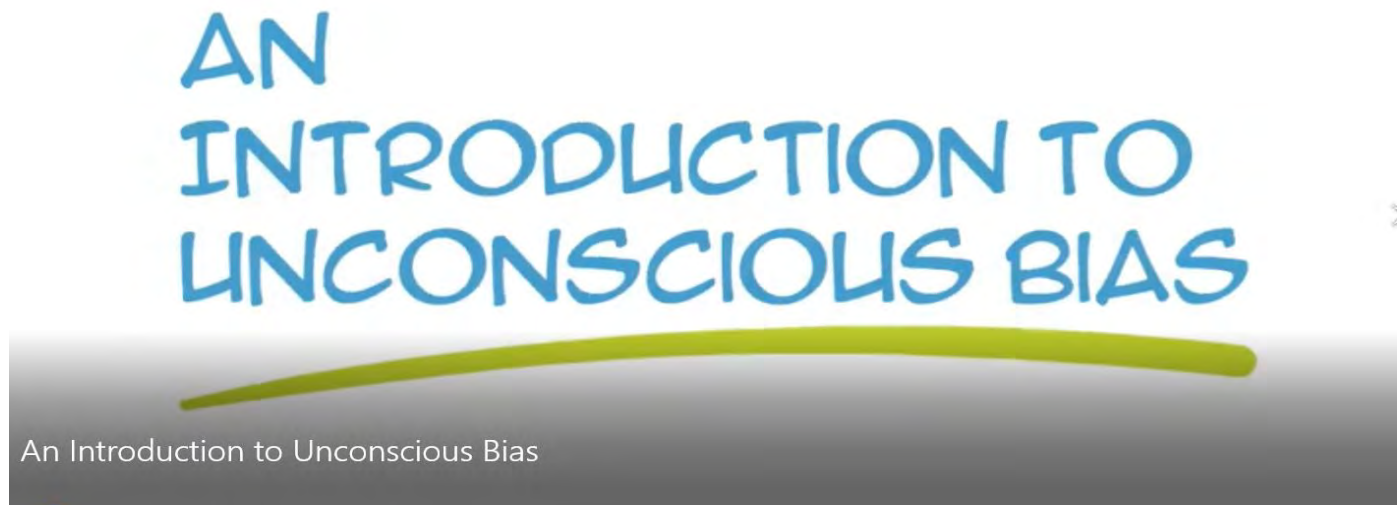
**Unconscious
Implicit Bias**

Structural/Systemic Discrimination



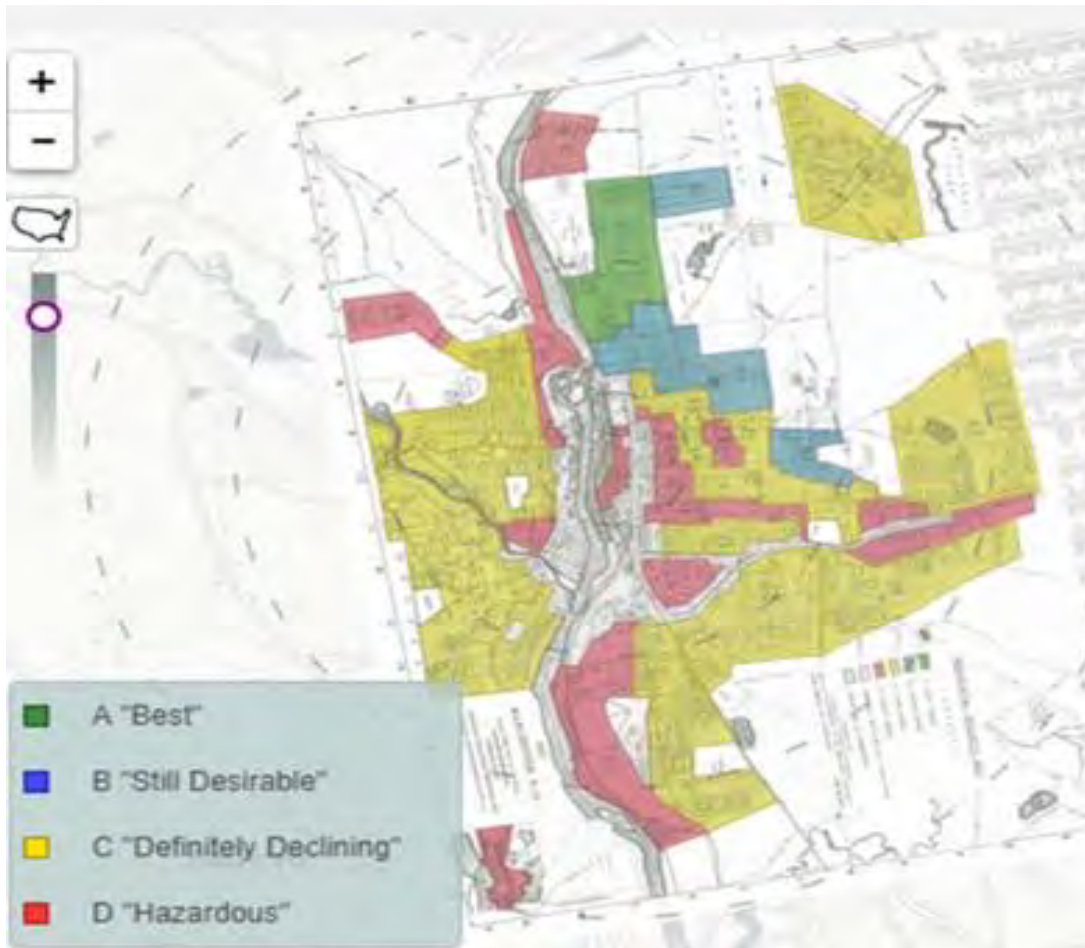
The Cause of Discrimination...

Unconscious Cognitive Implicit Bias





<https://www.youtube.com/watch?v=KCgIRGKAbfc>

Examples of Implicit Bias on Individuals



Interpersonal Examples of Implicit Bias

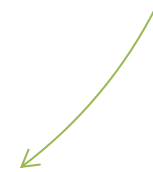
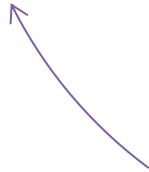
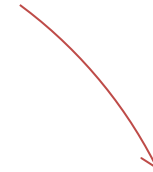
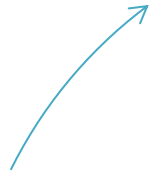
Cases and deaths by race/ethnicity

Race/ethnicity	Percentage of population	Percentage of cases	Percentage of deaths
Black or African American alone	1%	6% 	2%
Hispanic or Latino *	4%	13% 	3%
Asian alone	3%	3%	<1%
Native Hawaiian and Pacific Islander alone	<1%	0% 	0% 
American Indian or Alaska Native alone	<1%	0% 	0% 
Two or more races	2%	0% 	0% 
White alone	90%	74%	94%
Some other race alone	<1%	4% 	<1% 

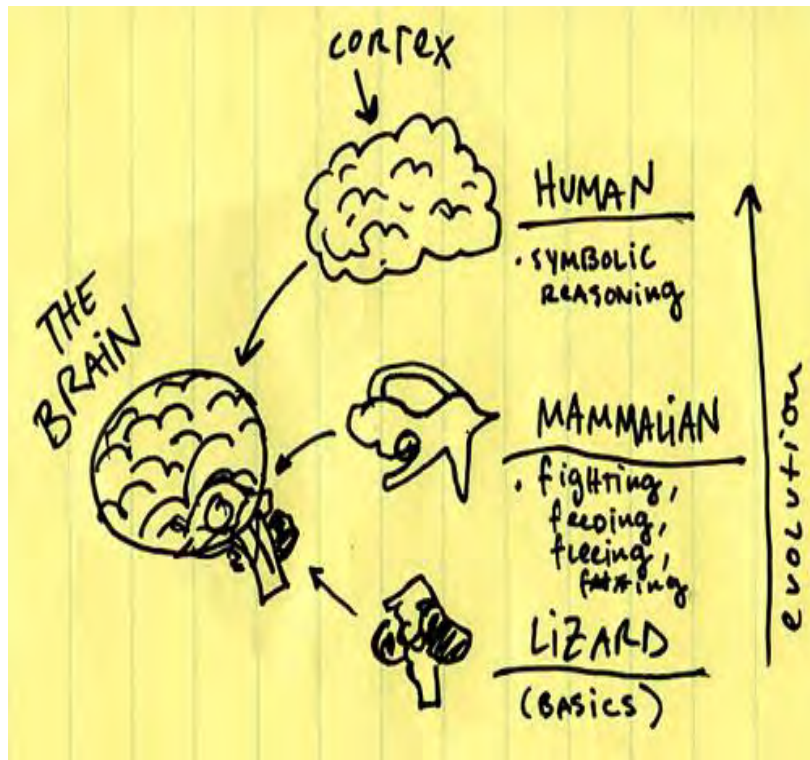


- Discrimination in every day life & the emotional toll it takes
- Special fear of life when pulled over by police – regardless of agency

Examples of Implicit Bias on Organizations (Employment Cycle)



Understand Your Own Biases (Breakout)



- When and how did you first become aware that there was such a thing as racial/ethnic differences, and that people were treated differently on the basis of those differences?
- Growing up, what contact did you have with people whose racial and ethnic heritage was different from your own?

5 Minute Break



Types of Implicit Biases

Decision-making, Belief, and Behavioral/Confirmational (125+)



- Automation bias
- Bias blind spot
- Dunning–Kruger effect
- Stereotyping
- Zero-sum bias

Social /Attributional (220+)



- Group attribution error
- In-group/Affinity
- Puritanical bias

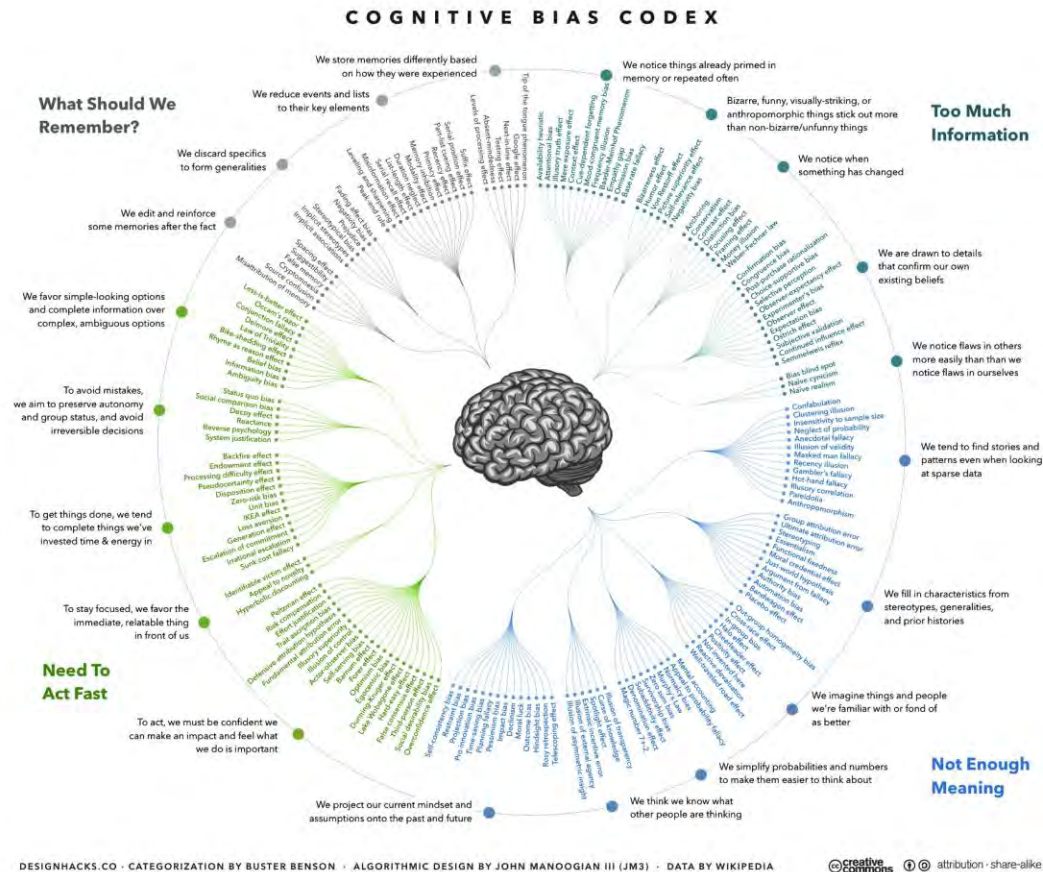
Memory Errors (40+)



- Consistency bias
- Cross-race effect
- Stereotypical bias

Bias Impact Context

- Information Overload
- Feelings Over Facts
- Need for Speed
- What to remember

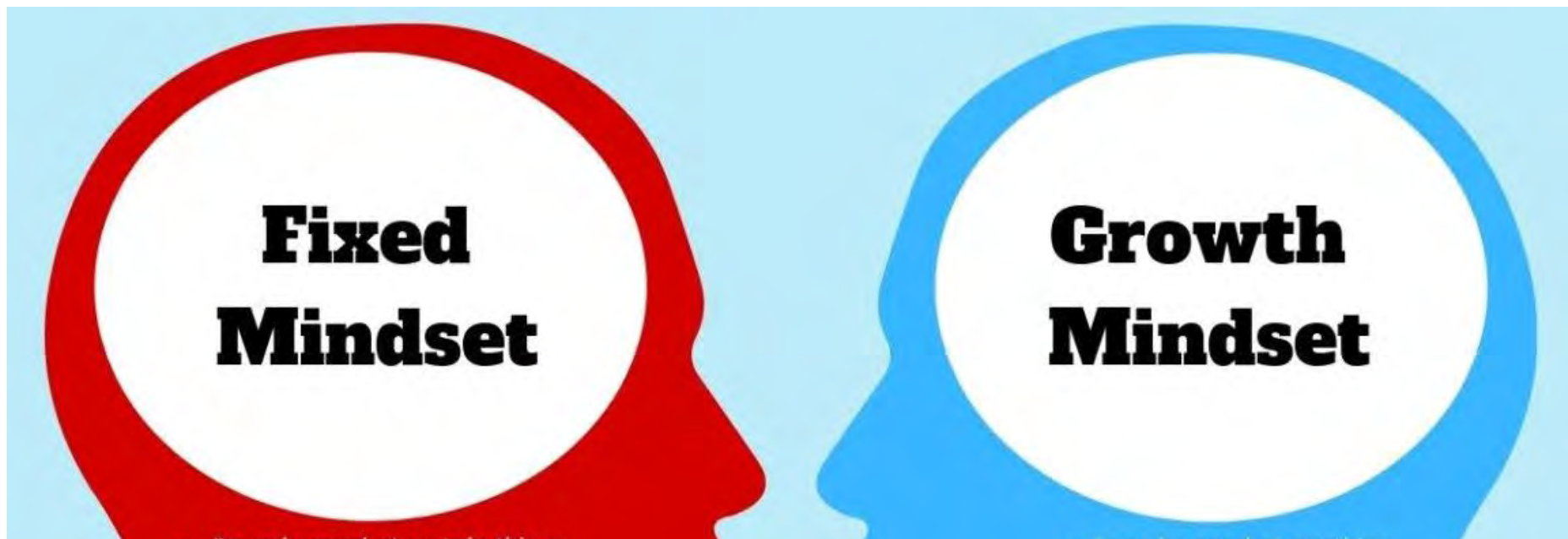


The Cognitive Bias Codex: A Visual Of 180+ Cognitive Biases

Eliminating Bias & Discrimination



How We Think



Which are You?

Types of De-Biasing Techniques

Counterstereotype Training

- Dasgupta and Asagari (2004)

Negation

- Kawakami, Dovidio, Moll, Hermsen, and Russin (2000)

Perspective-taking

- Shih, M. J., Wang, E., Bucher, A. T., & Stotzer, R. (2009).

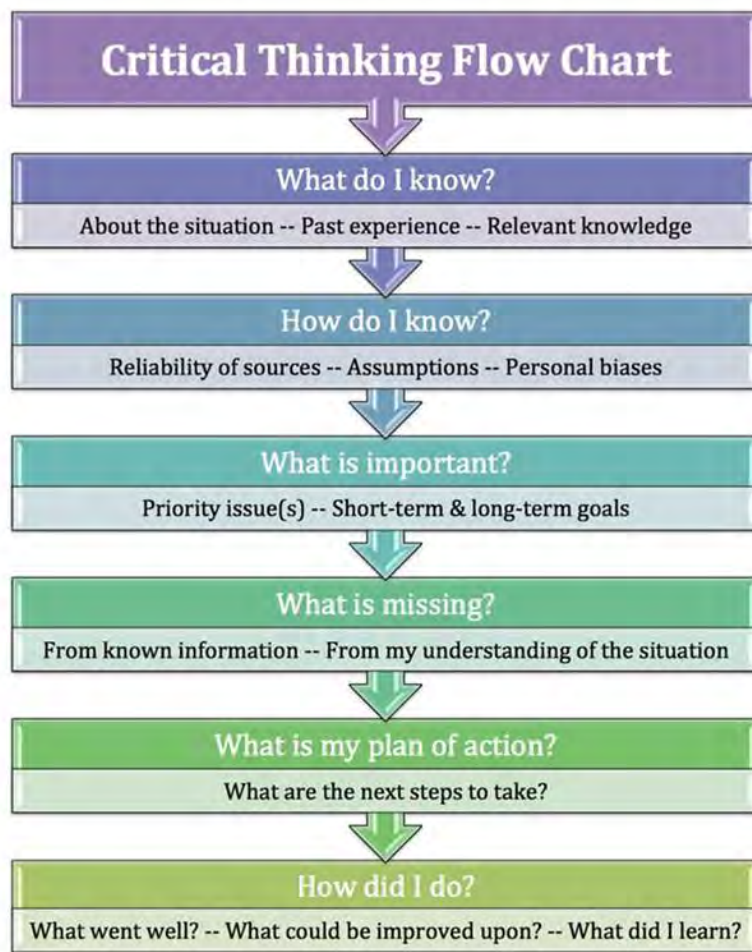
Meditation/Lovingkindness meditation (LKM)

- Stell, A. J., & Farsides, T. (2016).

Implicit bias workshops

- like the one we offer

Critical Thinking/Decision-Making

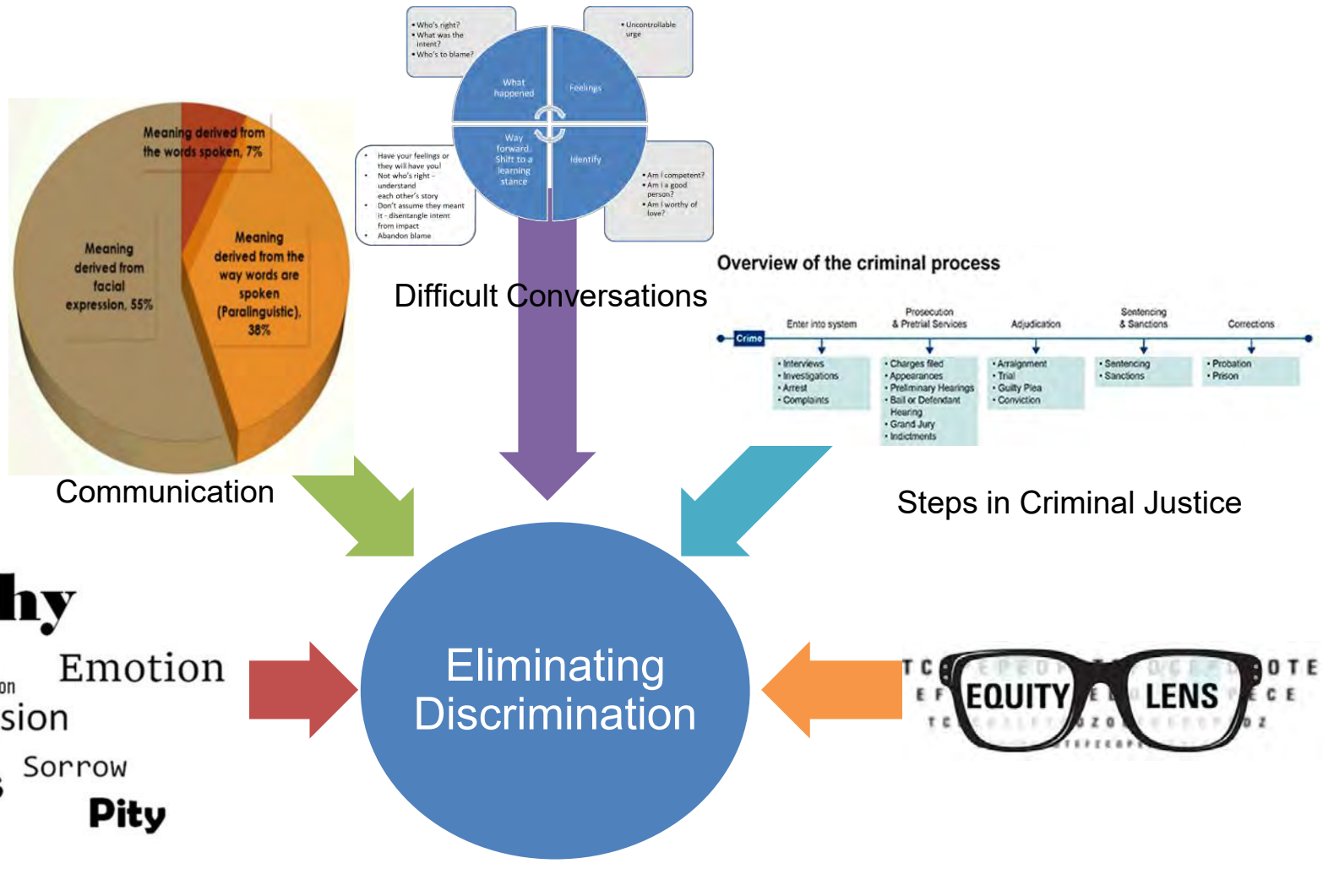


Wasabi Learning Flow Charts

<https://www.wabisablearning.com/blog/5-useful-critical-thinking-flowcharts>

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How We Behave



EQ

Emotional Intelligence

- Critical in understanding and dealing with diversity is **Emotional intelligence**
- The ability to manage your own **emotions**, as well as the **emotions** of others.
 - Self (our own feelings and how they impact our perceptions and behavior - aka Implicit Bias) “How do I feel?”
 - Others (the feelings of others and why they behave the way they behave - aka empathy) “Put yourself in their shoes.”

Empathy

Rapport

Affinity
Communion

Emotion

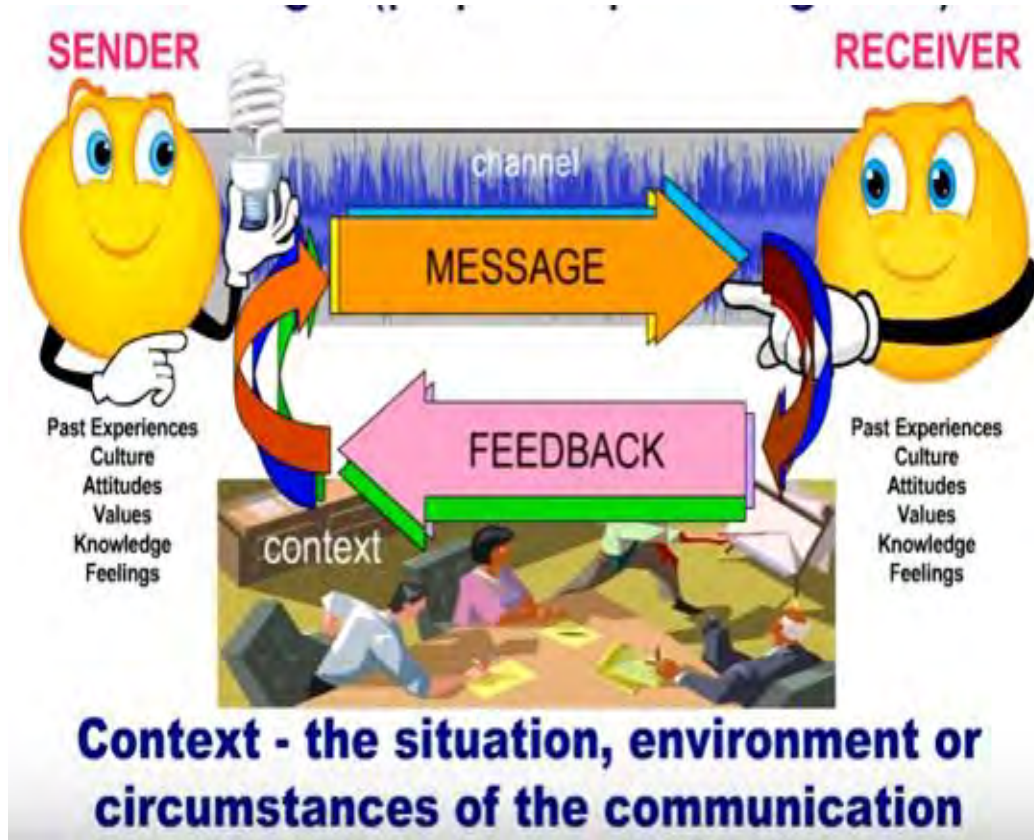
Compassion

Feelings

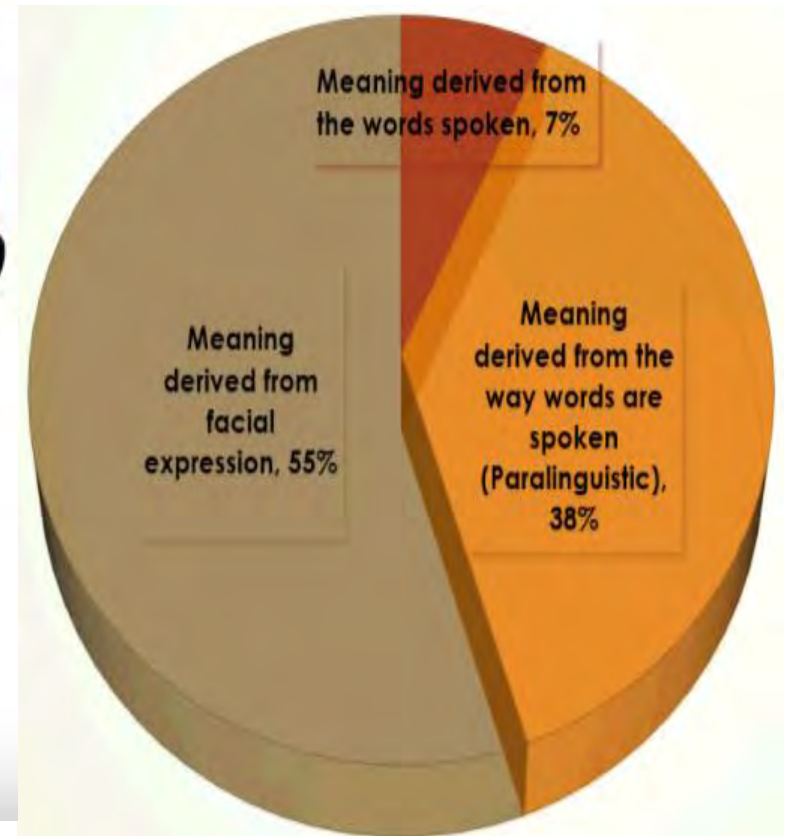
Sorrow

Pity

Understanding Communication Basics

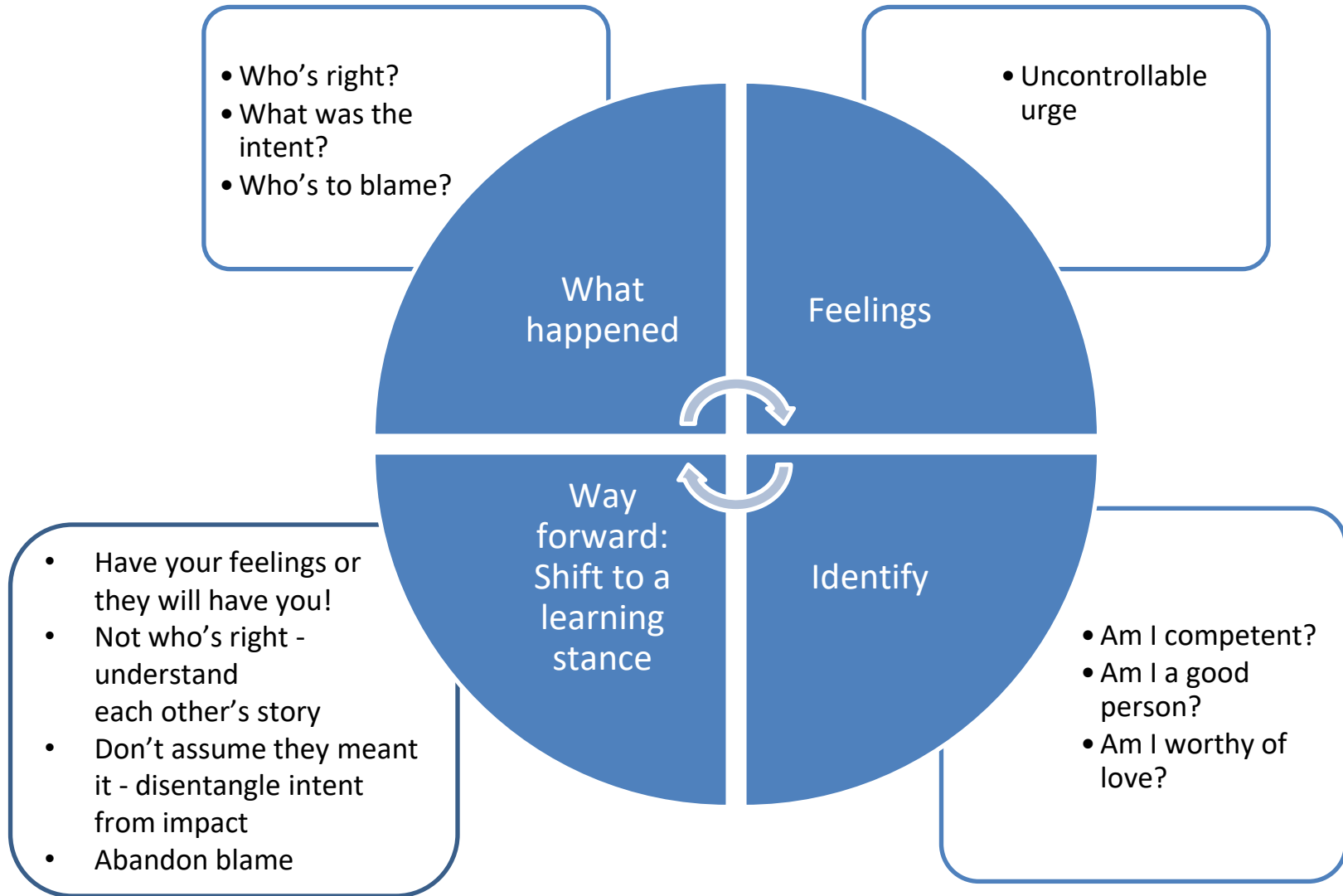


Shannon and Weaver Model



Dr. Albert Mehrabian's 7-38-55 Rule of Personal Communication

Rules for Difficult Conversations



Difficult Conversations by Douglas Stone, Bruce Patton, & Sheila Heen

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Criminal Justice Process

Overview of the criminal process



<https://www.fbi.gov/resources/victim-services/a-brief-description-of-the-federal-criminal-justice-process>

Pulling It All Together



Justice mindful
of an equity lens

Seeing Through an Equity Lens (Breakout)

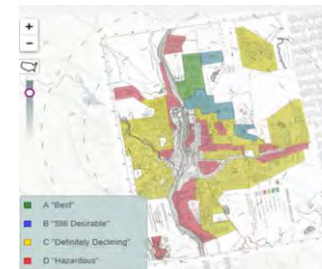
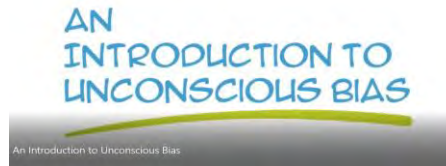
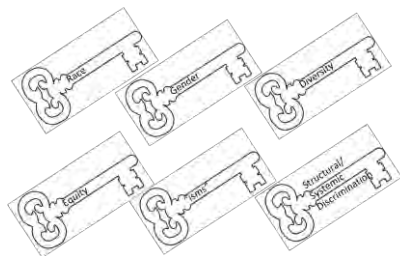


- What decision is being made?
- Who is at the table?
- How is the decision being made?
- What assumptions are at the foundation of the issue?
- What is likely impact?
- What is your decision?

Overview of the criminal process



Wrap-up



Decision-making, Belief, and Behavioral/Confirmational (125+)

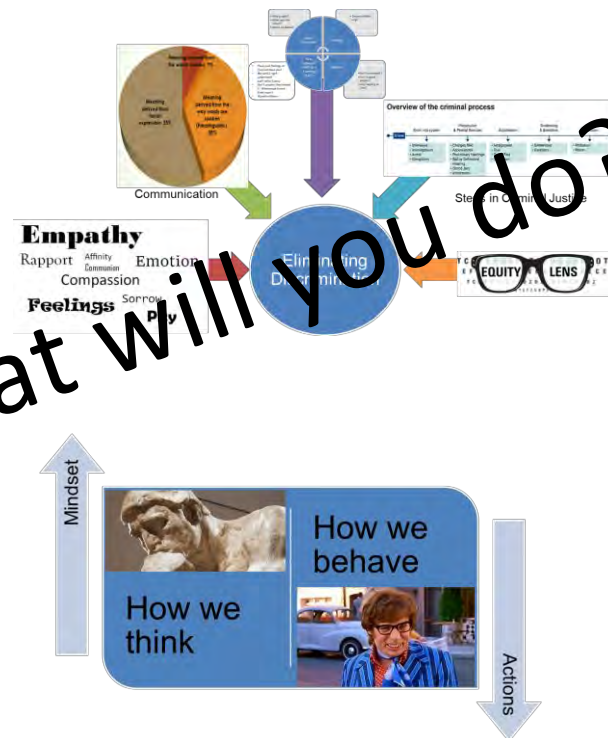
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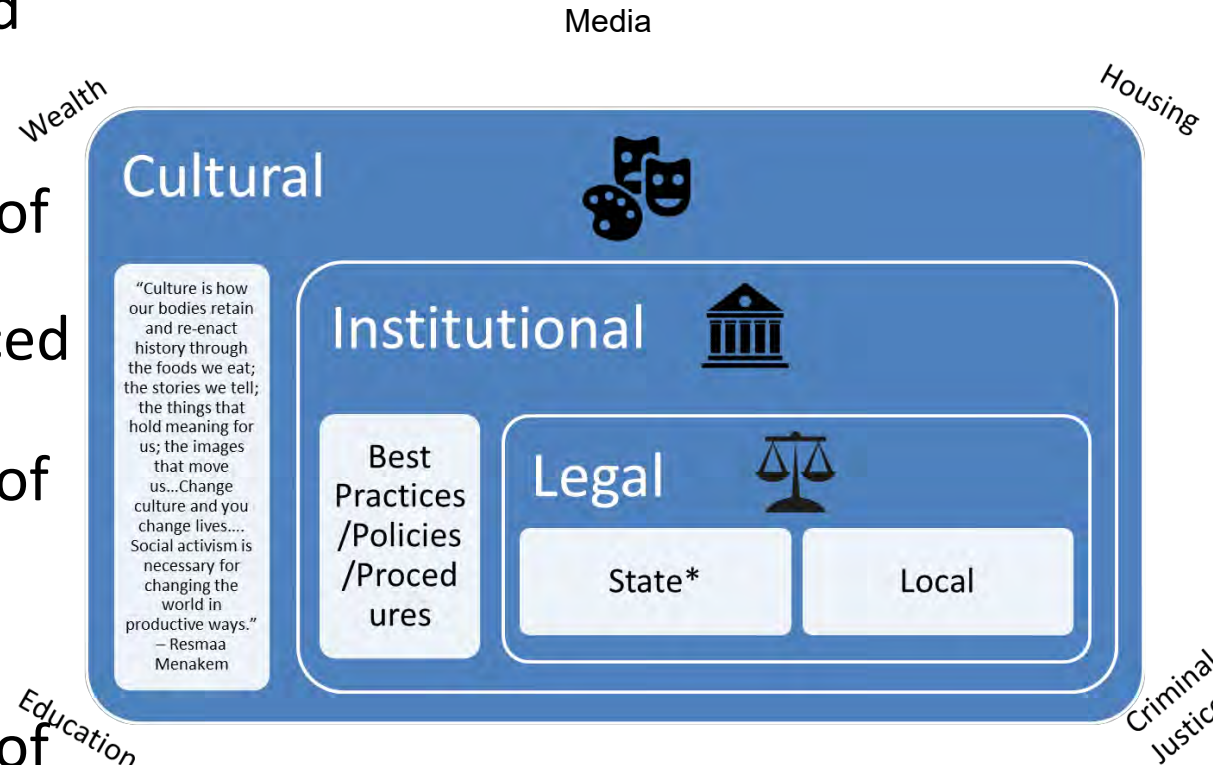
- Consistency bias
- Cross-race effect
- Stereotypical bias



- Counterstereotype Training**
 - Dasgupta and Asagari (2004)
- Negation**
 - Kawakami, Dovidio, Moll, Hermsen, and Russin (2000)
- Perspective-taking**
 - Shih, M. J., Wang, E., Bucher, A. T., & Stotzer, R. (2009).
- Meditation/Lovingkindness meditation (LKM)**
 - Stell, A. J., & Farsides, T. (2016).
- Implicit bias workshops**
 - like the one we offer

Homework Assignment

- Record an example of microaggression and what caused it to happen
- Record an example of where you observed/experienced white privilege
- Record an example of discrimination in an institution or organization
- Record an example of discrimination through culture



Contact

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